

## **Remarks**

### **1. Summary of the Office Action**

In the Office Action mailed September 24, 2007, the Examiner rejected claims 7, 9, 12, 14, 23, and 30 under 35 U.S.C. § 103 as being allegedly obvious over U.S. Patent No. 6,993,287 (O'Neill) in view of U.S. Patent No. 6,748,212 (Schmutz). Further, the Examiner rejected claim 10 under 35 U.S.C. § 103 as being allegedly obvious over O'Neill in view of Schmutz in view of U.S. Patent No. 5,907,794 (Lehmusto), and the Examiner rejected claims 11 and 24 under 35 U.S.C. § 103 as being allegedly obvious over O'Neill in view of Schmutz in view of U.S. Patent Application Pub. No. 2003/0162550 (Kuwahara).

In addition, the Examiner rejected claim 26 under 35 U.S.C. § 103 as being allegedly obvious over O'Neill in view of Schmutz in view of U.S. Patent No. 5,534,872 (Kita), and the Examiner rejected claim 31 under 35 U.S.C. § 103 as being allegedly obvious over O'Neill in view of Schmutz in view of U.S. Patent Application Pub. No. 2002/0072357 (Matsuda). Further, the Examiner rejected claim 27 under 35 U.S.C. § 103 as being allegedly obvious over O'Neill in view of Schmutz in view of Kita in view of U.S. Patent No. 6,799,024 (Wang). And the Examiner rejected claims 28 and 29 under 35 U.S.C. § 103 as being allegedly obvious over O'Neill in view of Schmutz in view of Kita in view of Wang in view of U.S. Patent No. 6,567,460 (Tak).

The Examiner also objected to claim 15 and requested that Applicant cancel claim 15 in conformance with the remarks filed by Applicant on April 20, 2007.

### **2. Status of the Claims**

Applicant has cancelled claims 7, 9-12, 14, 23, 24, and 26-31 and added new claims 37-45, of which claims 32 and 37 are independent and the remainder are dependent.

### 3. Response to Rejections

Applicant submits that the invention as now recited clearly patentably distinguishes over the cited art.

The Examiner has relied on O'Neill for a disclosure of pointing a wireless repeater antenna in various directions so as to determine an optimal direction for the repeater to point. However, O'Neill is specifically directed to having a user shift an antenna from one direction to another and the user then checking audio quality and received signal strength indications in order to determine how to best position the antenna. O'Neill fails to teach a wireless repeater sweeping through increments, the wireless repeater recording characteristics such as  $E_c/I_o$  at the various increments, and the wireless repeater then selecting an increment at which to radiate and radiating at that increment, as presently claimed. Further, the Examiner has admitted that the secondary Schmutz reference also fails to teach that functionality. (See Office Action mailed December 29, 2005, at page 3, where the Examiner stated, "Schmutz fails to disclose causing an antenna of the wireless repeater to sweep over a coverage area through increments, and at each increment, receiving wireless signals.")

One of ordinary skill in the art faced with the O'Neill reference would not be motivated to achieve the presently claimed invention, since modifying O'Neill's teachings to add the undisclosed function of having the repeater itself sweep through increments and so forth as recited in Applicant's claims would be inconsistent with the teachings of O'Neill. O'Neill teaches specifically that a user should walk around and position the repeater antenna at various locations that the user can move a pivoting antenna to various directions, and that, by operating a subscriber terminal, the user should consider received audio quality and received signal strength in an effort to determine how best to position and orient the antenna. The presently claimed

invention, in contrast, involves a process of the repeater causing the repeater antenna to sweep through increments, the processor analyzing characteristics of signals received at the various increments so as to select an increment at which to radiate, and the repeater than radiating at that selected increment. This functionality of the repeater is inconsistent with the O'Neill's teaching that a subscriber should monitor audio quality and received signals strength at the subscriber terminal to find an optimal position/orientation for the antenna.

Because the combination of the primary O'Neill reference and secondary Schmutz reference does not amount to the invention recited in Applicant's independent claims, and because modifying O'Neill to achieve the presently claimed invention would be inconsistent with the teachings of O'Neill, Applicant submits that *prima facie* obviousness of the claims over O'Neill and Schmutz does not exist. Further, Applicant submits that the other art of record does not overcome this deficiency.

Accordingly, Applicant submits that all of the pending claims are now in condition for allowance, and Applicant respectfully requests favorable action.

Should the Examiner wish to discuss any aspect of this case, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,

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